

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

**TWENTY-SIXTH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 3, 2012**

House of Representatives

The House convened at 8:30 a.m., the Speaker in the Chair.

Roll call showed 61 members present.

Absent and excused – DeMordaunt, Hart, Lake, Loertscher, Nielsen, Roberts, Schaefer, Smith(24), Thompson. Total – 9.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Ian Richter, Page.

### Approval of Journal

February 3, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fifth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

### Consideration of Messages from the Governor and the Senate

February 2, 2012

Mr. Speaker:

I transmit herewith [S 1227](#), [S 1228](#), [S 1257](#), [S 1258](#), [S 1267](#), [S 1213](#), [S 1219](#), [S 1222](#), [S 1232](#), and [S 1233](#) which have passed the Senate.

NOVAK, Secretary

[S 1227](#), [S 1228](#), [S 1257](#), [S 1258](#), [S 1267](#), [S 1213](#), [S 1219](#), [S 1222](#), [S 1232](#), and [S 1233](#) were filed for first reading.

February 2, 2012

Mr. Speaker:

I return herewith [H 395](#) which has passed the Senate.

NOVAK, Secretary

[H 395](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

### Report of Standing Committees

February 3, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 455](#), [H 456](#),

[H 457](#), [H 458](#), [H 459](#), [H 460](#), [H 461](#), [H 462](#), [H 463](#), [H 464](#), [H 465](#), [H 466](#), [H 467](#), [H 468](#), [H 469](#), [H 470](#), [H 471](#), and [HJR 1](#).  
WILLS, Chairman

[H 455](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 456](#), [H 457](#), [H 458](#), [H 459](#), [H 460](#), [H 461](#), [H 462](#), [H 463](#), and [H 464](#) were referred to the Resources and Conservation Committee.

[H 465](#), [H 466](#), [H 467](#), [H 468](#), [H 469](#), [H 470](#), and [H 471](#) were referred to the Business Committee.

[HJR 1](#) was referred to the State Affairs Committee.

February 3, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 356](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 356](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 3, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 355](#) to the Governor at 12:10 p.m., as of this date, February 2, 2012.

WILLS, Chairman

February 2, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 394](#) and [S 1223](#) and recommend that they do pass.

NONINI, Chairman

[H 394](#) and [S 1223](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

#### HOUSE CONCURRENT RESOLUTION NO. 32 BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

##### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE BUREAU OF OCCUPATIONAL LICENSES RELATING TO RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Bureau of Occupational Licenses relating to Rules of the Board of Drinking Water and Wastewater Professionals is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature,

the House of Representatives and the Senate concurring therein, that IDAPA 24.05.01, Bureau of Occupational Licenses, Rules of the Board of Drinking Water and Wastewater Professionals, Section 375, Substitutions, Subsection 02, Substituting Experience for Education, Paragraph c, At least 50% of education is mandatory and cannot be substituted by experience, only, adopted as a pending rule under Docket Number 24-0501-1101, be, and the same is hereby rejected and declared null, void and of no force and effect.

[HCR 32](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 472**

**BY TRANSPORTATION AND DEFENSE COMMITTEE  
AN ACT**

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AND AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-420L, IDAHO CODE, TO ESTABLISH THE IDAHO TERRITORY SESQUICENTENNIAL SPECIAL LICENSE PLATE PROGRAM.

**HOUSE BILL NO. 473**

**BY TRANSPORTATION AND DEFENSE COMMITTEE  
AN ACT**

RELATING TO DRIVER'S LICENSES AND IDENTIFICATION CARDS; AMENDING SECTION 49-313, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN EXAMINATION; AMENDING SECTION 49-319, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPIRATION AND RENEWAL OF CERTAIN DRIVER'S LICENSES, TO REVISE PROVISIONS RELATING TO EXTENSION OF CERTAIN DRIVER'S LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-2444, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPIRATION AND RENEWAL OF CERTAIN IDENTIFICATION CARDS, TO ESTABLISH PROVISIONS RELATING TO THE EXTENSION OF CERTAIN IDENTIFICATION CARDS, TO ESTABLISH PROVISIONS RELATING TO IDENTIFICATION CARDS FOR CERTAIN OUT-OF-STATE PERSONS AND TO ESTABLISH PROVISIONS REGARDING IDENTIFICATION CARDS ISSUED TO CERTAIN PERSONS RELATED TO ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES.

**HOUSE BILL NO. 474**

**BY TRANSPORTATION AND DEFENSE COMMITTEE  
AN ACT**

RELATING TO AERONAUTICS; AMENDING CHAPTER 5, TITLE 21, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 21-515A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE MARKING AND LIGHTING OF CERTAIN TOWERS, TO PROVIDE FOR DEFINITIONS AND TO PROVIDE FOR A MISDEMEANOR.

**HOUSE BILL NO. 475**

**BY JUDICIARY, RULES, AND ADMINISTRATION  
COMMITTEE  
AN ACT**

RELATING TO SUSPENSION OF JUDGMENT AND SENTENCE; AMENDING SECTION 19-2601, IDAHO CODE, TO PROVIDE THE COURT AUTHORITY TO EXTEND A PERIOD OF PROBATION FOR CERTAIN PERSONS; AND AMENDING SECTION 19-3921, IDAHO CODE, TO PROVIDE THE COURT AUTHORITY TO EXTEND A PERIOD OF PROBATION FOR CERTAIN PERSONS.

**HOUSE BILL NO. 476**

**BY ENVIRONMENT, ENERGY, AND TECHNOLOGY  
COMMITTEE  
AN ACT**

RELATING TO LICENSURE OF ELECTRICAL CONTRACTORS AND JOURNEYMEN; AMENDING SECTION 54-1001, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM LICENSURE FOR CERTAIN ACTIVITIES AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 477**

**BY LOCAL GOVERNMENT COMMITTEE  
AN ACT**

RELATING TO LEASES OF STATE-OWNED RECREATIONAL COTTAGE SITE AND HOMESITE LANDS; AMENDING SECTION 58-310, IDAHO CODE, TO REMOVE AN EXCEPTION RELATING TO SPECIFIED LAW AND TO PROVIDE THAT THE SUCCESSFUL BIDDER SHALL BE REQUIRED TO PROVIDE SPECIFIED RENTAL ON THE LEASE AT THE CLOSE OF THE AUCTION; REPEALING SECTION 58-310A, IDAHO CODE, RELATING TO AN EXEMPTION FROM SPECIFIED CONFLICT APPLICATION AND AUCTION PROVISIONS FOR SINGLE FAMILY, RECREATIONAL COTTAGE SITES AND HOMESITES; AND REPEALING SECTION 58-310B, IDAHO CODE, RELATING TO THE AUCTION OF LEASES REGARDING CERTAIN STATE-OWNED LAND.

**HOUSE BILL NO. 478**

**BY LOCAL GOVERNMENT COMMITTEE  
AN ACT**

RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-958, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO OWNERS, OPERATORS AND LESSEES OF CERTAIN RESORT CITY INNS, TO DEFINE A TERM, TO PROVIDE FOR RENEWAL AND TO PROVIDE THAT SUCH LICENSES SHALL NOT BE TRANSFERABLE TO ANY OTHER LOCATION.

[H 472](#), [H 473](#), [H 474](#), [H 475](#), [H 476](#), [H 477](#), and [H 478](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1227](#) and [S 1228](#), by Commerce and Human Resources Committee, were introduced, read the first time by title, and referred to the Business Committee.

[S 1257](#), [S 1258](#), and [S 1267](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

[S 1213](#), [S 1219](#), [S 1222](#), [S 1232](#), and [S 1233](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

[HCR 31](#), [H 374](#), and [H 375](#), by Business Committee, were read the second time by title and filed for third reading.

[H 383](#), [H 385](#), [H 386](#), and [H 393](#), by Education Committee, were read the second time by title and filed for third reading.

[H 437](#) and [H 438](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 6, 2012. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, February 6, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:48 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk